

REMARKS

In an office action dated 3 December 2003, the Examiner rejects claims 1-26 (all pending claims). In response to the office action, Applicant amends claims 1-4, 6, 10, 15, and 21. Applicant also cancels claims 12, 18, and 24. Furthermore, Applicant respectfully traverses the rejections. Claims 1-11, 13-17, 19-23, and 25-26 remain in the Application. In light of the amendments and the following arguments, Applicant respectfully requests that this Application be allowed.

In the Office Action, the Examiner rejects claims 1-26 under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent Number 6,574,666 B1 issued to Dutta (Dutta). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The test for anticipation is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). The Dutta reference cited by the Examiner does not teach each and every claimed element as required by case law and the MPEP.

Claim 1 recites at least one inspection module coupled for communication to said firewall core, each said at least one inspection module configured to provide protocol inspection of data packets to said firewall core, said firewall core configured to receive data packets from said plurality of communication interfaces and communicate said packets to said at least one inspection module for inspection, said at least one inspection module is further configured to be installed during the operation of the firewall system. Dutta does not teach this limitation. Instead, Dutta teaches a firewall system in which rules in a database may be retrieved by a firewall system to test the packets. In amended claim 1, the firewall core send the packet to an inspection module that performs testing based upon rules stored in the module. Each module is a software that is being executed

to perform testing of a packet. Applicant cannot find any mention in Dutta of the use of different modules to test packets in a firewall system.

The Examiner states that an inspection module is taught by Col. 5, lines 1-12 which states:

... (the executing fetching instructions), which in one embodiment is also implemented in the kernel, and in another embodiment is implemented at the application layer. The fetching process retrieves a pertinent rule and sends it to the firewall process, which loads it at the firewall. This embodiment advantageously separates the functions of the traditional firewall from retrieving a rule by the firewall for a packet. This keeps the firewall instructions relatively simple, and maintains a certain level of security by separating the firewall process from interactions with e.g. an external database from which rules are to be retrieved to be loaded at the firewall.

Applicant does not see anything in this recited section that teaches an inspection module that provides inspection of packets for a firewall core. Instead, cited section teaches a firewall process for testing packets that has a separate fetching function that retrieves rules for testing to be used by a firewall process. There is no mention of separate modules for providing different tests as recited in claim 1. Furthermore, there is no mention of new modules that may be loaded during execution of the firewall process. Thus, the at least one inspection module recited in amended claim 1 is not taught by Dutta. Therefore, Applicants respectfully requests that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-5 are dependent upon amended claim 1. Thus, claims 2-5 are allowable for at least the same reasons as amended claim 1. Therefore, Applicant respectfully requests that the rejections to claims 2-5 be removed and claims 2-5 be allowed.

Amended claim 6 recites a firewall core that monitors a memory for inspection modules that are loaded into a memory during operation of the firewall system. Dutta

does not teach this limitation. Instead, Dutta teaches a system that receives a packet, determines if a rule for testing the packet is in the firewall, and retrieving the rule from a database if the rule is not in the firewall. This is different from a core system that reads a memory to determine when a new module for performing tests is added to the memory. Thus, Dutta does not teach amended claim 6. Therefore, applicant requests that the rejection of claim 6 be removed and amended claim 6 be allowed.

Claims 7-9 are dependent upon amended claim 6. Thus claims 7-9 are allowable for at least the same reasons as amended claim 6. Therefore, Applicant respectfully requests that the rejections of amended claims 7-9 be removed and claims 7-9 be allowed.

Claim 10 recites an inspection module that is loaded into a memory monitored by the firewall core during operation of the firewall system. This not taught by Dutta. Instead, Dutta teaches a system that can retrieve a rule for testing a packet when the rule is not currently in the firewall system. There is no mention of the firewall system having a core that monitors a memory for new inspection modules that can test packets in new types of protocols. Thus, amended claim 10 is not taught by Dutta. Therefore, Applicant requests that the rejection of claim 10 be removed and amended claim 10 be allowed.

Claims 11, 13 and 14 depend from claim 10. Thus, claims 11, 13, and 14 are allowable for at least the same reasons as claim 10. Therefore, Applicant requests that the rejections to claims 11, 13, and 14 be removed and claims 11,13, and 14 be allowed.

Claim 15 recites a method that loads an inspection module into a memory monitored by a firewall core during operation of the firewall system. Dutta does not teach this limitation. Instead, Dutta teaches a firewall system that retrieves rules for handling a packet when the rules are not in the firewall. The retrieving of rules is different from receiving a module which performs the tests. Thus, amended claim 15 is not taught by Dutta. Therefore, Applicant respectfully requests that the rejection of claim 15 be removed and amended claim 15 be allowed.

Claims 16, 17, 19 and 20 depend from claim 15. Thus, claims 16, 17, 19 and 20 are allowable for at least the same reasons as claim 15. Therefore, Applicant requests that



the rejections to claims 16, 17, 19, and 20 be removed and claims 16, 17, 19, and 20 be allowed.

Claim 21 claims a device that includes instructions for directing a computer to perform the method of claim 15. Thus claim 21 is allowable for at least the reason as claim 15. Therefore, Applicant respectfully requests that rejection of claim 21 be allowed and amended claim 21 be allowed.

Claims 22, 23, 25 and 26 depend from claim 21. Thus, claims 22, 23, 25 and 26 are allowable for at least the same reasons as claim 21. Therefore, Applicant requests that the rejections to claims 22, 23, 25, and 26 be removed and claims 22, 23, 25, and 26 be allowed.

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Dated: February 23, 2004

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

William P. Wilbar
Reg. No.: 43,265

Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449
(775) 586-9500
(775) 586-9550 Fax